



BETTER

From a Person of

QUALITY,

To His

FRIEND

COUNTRY

JOHN LOCKE, ESQ.

Printed in Year, 1677.



A

# Letter from a Person of Quality, to His Friend in the Country.

SIR,

His Session being ended, and the Bill of Yeomen finished at the Committee of the whole House; I can now give you a perfect Account of this STATE MASTERPIECE. It was hatch'd (as almost all the Mischiefs of the World had hitherto been) among the Great Church-Men, and is a Project of several Years standing, but not Ministers bold enough to go through with it, till the few who wanting a better Bottom to support them, betook themselves to this, which is no small Undertaking, if you consider it in its due Aspect.

To make a *distill'd Party* from the rest of the Nation of the High Temporal Man, and the Old Cavalier, who are to swallow the hopes of enjoying all the Power and Office of the Kingdom, being also tempted by an advantage they may receive from overthrowing the *Ad of Oblivion*, and in a little rejoicing to think how valiant they should prove, if they could but fight the Old Quarrel over again; Now they are possess'd of Arms, Forts, and Ammunition of the Nation.

Next they design to have the Government of the Church Subject to a Usurpation, and so Tacitly owned to be of Divine Right, which though inconsistent with the Oath of Supremacy; yet the Church-Men easily brush through all Obligations whatsoever, to attain this Station, the advantage which, the Prelate of Rome hath sufficiently taught the World.

Then in requital to the Crown, they declare the Government of the Church Arbitrary, and allow Monarchy as well as Episcopacy to be *Jure Dei*, and not to be bounded, or limited by humane Laws.

A

And

And to secure all this, they resolve to take away the Power, and opportunity of *Parliaments*, to alter any thing in Church or State, only leave them as an *instrument* to raise Money; and to pass such Laws, as the Court and Church shall have a mind to: The Attempt of any other, how necessary soever, must be no less a Crime then Perjury.

And as the topstone of the whole Fabrick, a pretence shall be taken from the Jealousies they themselves have raised, and a real necessity from the smallness of their Pay tie to increase, and keep up a standing Army, and then in due time the Cavalier and Church-man, will be made greater *Fools*, then as errant *Slaves* as the rest of the Nation.

In order to this, The *first step* was made in the *Act for Regulating Corporations*, wisely beginning, that in those lesser Governments, which they meant afterwards to introduce upon the Government of the Nation, and making them Swear to a Declaration, and belief of such propositions as themselves afterwards upon debate, were enforced to alter, and could not justify in those words; so that many of the Wealthiest, Worthiest, and Scheming Men; are still kept out of the Magistracy of those places.

The *next step* was in the *Act of the Militia*, which went for heart of the chiefest Nobility and Gentry, being obliged as Lord-Lieutenants, Deputy-Lieutenants, &c. to Swear to the same Declaration and Belief, with the addition only of these words, *In pursuance of such Military Commission*, which makes the Matter rather worse then better; Yet this went down smoothly as an Oath in fashion, a testimony of Loyalty, and none adventuring freely to debate the matter, the humour of the Age like a strong Tide, carries Wise and good Men down before it, This *Act* is of a power, for it establisheth a *standing Army*, by a Law, and swears us into a *Military Government*.

Immediately after this, Followeth the *Act of Uniformity*, by which all the Clergy of England are obliged to subscribe, and declare what the Corporations, Nobility, and Gentry had before sworn, but with this additional clause of the *Militia Act* omitted; This the Clergy readily complied with, for you know that sort of Men are taught rather to obey then understand, and to use that *Learning* they have, to *justify*, not to *examine* what their Superiors command: And yet that *Bartholomew day* was fatal to our Church and Religion; in throwing out every great number of *Worshippers*, *Learned Men*, and *Orthodox Divines*; who could not come up to this, and other things in that *Act*; And it is an Oath upon this occasion worth your knowledge; that so great was the zeal in carrying on this Church affair; and so blind was the Obedience required, that if you compute the time of the passing this *Act*, with the time allowed for the Clergy to subscribe the



Book of Common Prayer thereby established; you shall plainly find it could not be Printed, and distributed to; as one Man in forty could have seen, and read the Book they did so perfectly Assent and Consent to.

But this Matter was not compleat until the *Five Mile Act*, passed at Oxford, where, when they take an opportunity to introduce the Oath in the terms they would have it: This was then strongly opposed by the L. Treasurer *Southampton*, Lord *Wharton*, L. *Ashley*, and others, not only in the concern of these poor Ministers that were to severely be handled, but as it was in itself a most Unlawful, and Unjustifiable Oath; however, the zeal of rising against all *Nonconformity* easily passed the Act.

This Act was seconded the same Session at Oxford by another Bill in the House of Commons, to have imposed that Oath on the whole Nation; and the Providence by which it was thrown out, was very remarkable; For Mr. *Jerome Bertie*, being newly chosen, was that morning introduced into the House by his Brother the now Earl of *Lindsey* and Sir *Theobald Mathew* now Treasurer, who all Three gave their Votes against that Bill and the Numbers were so even upon that division, that their three Votes carried the Question against it. But we owe that Right to the Earl of *Lindsey*, and the Treasurer as to acknowledge that they have since made ample satisfaction, wherever offence they gave either the Church or Court in that Vote.

Thus our Church became *Triumphant*, and continued so for divers years, the dissenting *Protestants* being the only *Earmy*, and therefore only persecuted, whilst the *Papists* remained undisturbed, being by the Court thought loyal, and by our Great Bishops not dangerous they differing only in Doctrine, and Fundamentals; but as to the Government of the Church, they were in their Religion in its highest Exaltation.

This Dominion continued unto them, until the L. *Clifford* a man of a daring and ambitious spirit, made his way to the chief Ministry of Affairs by other and far different measures and took the opportunity of the War with *Holland* the King was then engaged in, to propose the *Declaration of Indulgence*, that the Dissenters of all sorts, as well Protestants as Papists, might be settled and so vast a number of People, not be made desperate at Home, while the King was engaged with so potent an Enemy abroad. This was no sooner proposed, but the E. of *Scheshbury* a man as daring but more able (though of principles & interest diametrically opposite to the other) presently closed with it, & perhaps the opportunity I have had by my conversation with them both, who were men of diversion, & of free and open Discourses where they had a confidence; may give you more sight into both their Designs & so by consequence the views of their Parties; then you will have from any other hand. My L. *Clifford* did in express Terms, tell me one day in private

Discourse:

Discourse: That the King, if He would be firm to Himself, might settle what Religion He pleased, and carry the Government to what height He would; for I was assured in the Liberty of their Conscience, and undisturbed in their Properties, able and upright Judges made in Westminster-Hall to judge the Cases of Meum and Tuum, and if on the other hand the Fort of Tilbury was fortified to bridle the City, the Fort of Plymouth to secure the West, and Armes for 30000 in each of these, and in Hull for the Northern parts; with some addition, which might be easily and undiscernedly made to the Forces now on foot, there were none that would have either Will, Opportunity, or Power to resist. But he added withal, he was so sincere in the maintenance of Property, and Liberty of Conscience, that if he had his Will, though he should introduce a Bishop of Durham, (which was the Instance he then made, that for bringing them nearer) of another Religion, yet he would not disturb any of the Church beside, but just leave them to die away, and not his change (how hasty soever he was in it) overthrow either of those principles, and therefore desired he might be thought next man as to his part of the Declaration, for he meant it really. The Lord Wharfedale (with whom I had more freedom) I with great assurance told what he meant by the Declaration, for it seemed to me (as I then told him) that it assumed a Power to repeal and suspend all our Laws, to destroy the Church, to overthrow the Protestant Religion, and to tolerate Popery: He replied all angry, That he wondered at my Objection, there being not one of those in the Case: For the King assumed no power of repealing Laws, or suspending them, contrary to the will of his Parliament, or People, and not to dispute with me at that time the power of the King's Supremacy, which was of another nature than that he had in Civils, and had been exercised without exception in this very case by His Father, Grand Father, and Queen Elizabeth, under the great Seal to Foreign Protestants, became subjects of England, and in instance in the suspending the Execution of the two Acts of Navigation and Trade, during both this, and the last Dutch War in the same words, and upon the same necessity, and as yet without Clamour that ever we heard: But to pass by all that, this is certain, a Government could not be supposed whether Monarchical, or other of any sort, without a standing Supreme Executive power, fully enabled to mitigate, or wholly to suspend the Execution of any penal Law in the Intervals of the Legislative power, which when assembled there was no doubt but wherever there lies a Negative in passing of a Law, there the address is first known of either of them to the contrary, (as for Instance of either of our two Houses of Parliament in England) ought to determine that Declaration, and restore the Law to its full execution: For without this the Law were as a purpose made, if the Prince could annul them at pleasure: and so in the end

kind, without a Power always in being of dispensing upon occasion, was to sup-  
 pose a constitution extremely imperfect and impracticable, and to cure this with  
 a Legislative power always in being, is, when considered, no other than a perfect  
 Tyranny. As to the Church, by concerning the Declaration was extremely their  
 interest; for the narrow bottom they had placed themselves upon, and the Mis-  
 takes they had proceeded by, so contrary to the Properties, and Liberties  
 of the Nation, must needs in short time, prove fatal to them, whereas this led  
 them into another way to live peaceably with the dissenting and differing Pro-  
 testants, both at home and abroad, and so by necessary and unavoidable Con-  
 sequences to become the head of them all. For that place is due to the Church of  
 England, being in favor; and of nearest approach to the Most powerful Prince  
 of the Religion, and so always had it in their hands to be the Intercessor and  
 Mediator of the greatest good and Protection, that parts throughout all Chri-  
 tendom, can receive. And that the A Bishop of Canterbury might become,  
 namely Alterius Orbis, his Alterius Regionis Papa, and all this addition of  
 Honor and Power attain'd without the least loss or diminution of the Church; I  
 am being assur'd that one living Dignity, or Preferment should be given to  
 any but this; that were fully Conformable. As to the Protestant Religion,  
 he told me plainly, It was for the preferring of that; and that only this to be  
 join'd in the Declaration; for besides that, he thought it his Duty to bear  
 in his Place and Station, if that he was convinc'd, were the people of God  
 and favor'd Him, of all sorts of different persuasions; he also knew nothing else but  
 Liberty, and Iudging that that would possibly (in our case) secure the Pro-  
 testant Religion in England; and he beg'd me to consider, if the Church of En-  
 gland should attain to a rigid, blind, and undissolved Conformity, and that power  
 of our Church should come into the hands of a Popish Prince, which was im-  
 possible, or remote, as not to be apprehended; whether in such a case,  
 would not all the Arms and Artillery the of Government of the Church, be  
 turned against the present Religion of it, and should not all good Protestants  
 be able to think what Bishops such a Prince was like to make, And whom these  
 Bishops would condemn for Heretics, and that Prince might burn; Whether if  
 which it now has a Declaration, might ever by the Experience of it, gain the  
 name of becoming an Established Law, the true Protestant Religion would  
 be kept up amongst the Cities, Towns, and Trading places, and the worthy  
 and Sobers (if not the greatest) part of the Nobility, and Gentry, and Pro-  
 prietors. As for the toleration of Popery he said, It was a phantasm Objection, since  
 would confidently say that the Papists had no advantage in the least by this  
 Declaration, that they did not at all enjoy and wish less noise, by the favor of  
 the Bishops. It was the Vanity of the L. Keeper, that they were named

at all, for the whole advantage was to the dissenting Protestants, which were the only Men disturb'd before; and yet he consist to me, that it was his opinion, and always had been, that the Papists ought to have no other pressure laid upon them, but to be made incapable of Office, Courts, or Armes, and to pay so much as might bring them at least to ballance with the Protestants; for those chargeable Offices they are liable unto, and concluded with this that he desired mercifully to treat, whether Liberty and Propriety were likely to be maintained long in a Country like Ours, where Trade is so absolutely necessary to the very being, as well as the Prosperity of it, and in this Age of the World, if Articles of Faith and Matters of Religion should become the only accessible ways to our Civil Rights.

Thus Sir, You have perhaps a better account of the Declaration, than you can receive from any other hand, and I could have wish'd it a longer continuance and better Reception than it had: for the Bishops took so great Offence at it, that they gave the Alarm of Popery through the whole Nation, and by their Emittals the Clergy (who by the Concurrence and Subordination of their Government, and their being posted in every Parish, have the Advantage of a quick dispersing their Orders, and a sudden and universal Insinuation of whatever they please) rais'd such a cry, that those good and sober Men who had really long fear'd the Increase and continuance of Popery, had hitherto received, began to believe the Bishops were in earnest, their Eyes opened though late, and therefore joyned in heartily with them, so that at the next meeting of Parliament the Protestants Interest was as high as an Act came up from the Commons to the *Hof Lords* in favour of the dissenting Protestants, and had pass'd the Lords; but for want of time, Besides another excellent Act pass'd the Royal assent for the excluding all Papists from Office, in the Opposition of which the L. Treasurer Clifford fell and yet to prevent this ruine, this Session had the speedier End, Notwithstanding, the Bishops attain'd their Ends fully, the Declaration being Canceled, and the great Seal being broken off from it. The Parliament having pass'd an Act in favor of the dissenters, and yet the sense of both Houses sufficiently declar'd against all Indulgence but by Act of Parliament: Having on this Point, they us'd it at first with seeming Moderation, there were no general Directions given for persecuting the Nonconformists, but here and there some of the most confiding Justices, were made use of to try how they could receive the Old Persecutions; for as yet the Zeal rais'd against the Papists, was so great, that the worthiest, and soberest, of the Episcopal party, thought it necessary to unite with the dissenting Protestants, and not to divide their Party, when all their Forces were little enough. In this posture

the Sessions of Parliament that began Dec. 27. 1673 found Matters, which being suddenly broken up, did nothing.

The next Sessions which began Jan. 7. following, the Bishops continued the Zeal against the Papists, and seem'd to carry on in Joyning with the Country Lords, many excellent Votes in order to a Bill, as in particular, That the Prince of the Blood Royal should only Marry Protestants, and many others, but their favor to dissenting Protestants was gone, and they attempted a Bargain with the Countrey Lords, with whom they then joyned not to promote any thing of that nature, except the bill for taking away Assent and Consent, and renouncing the Covenant.

This Session was no sooner ended without doing any thing, but the whole Clergy were instructed to declare that there was now no more danger of the Papists: The Phanatique (for so they call the dissenting Protestant) is again become the only dangerous Enemy, and the Bishops had found a Scotch Lord, and two new Ministers, or rather great Officers of England, who were desperate and rash enough to put their Masters business upon so narrow and weak a bottom; And that old Covenanter *Canterdale*, is become the Patron of the Church, and his his Coach and table fill'd with Bishops. The Keeper and Treasurer are of a just size to this affair, for it is a certain rule with the Church Men, to endure (as seldom as they can) in business Men able then themselves. But his Grace of Scotland: was least to be executed of the Three, for having fill'd from Presbytery, Protestant Religion, and all principles of publick good and private friendship, and become the Slave of *Clifford* to carry on the Ruine of all he had profess'd to support, does now also quit even *Clifford's* generous Principles, and betake himself to a sort of Men, that never forgive any man for having once been in the right; and such Men, who would do the worst of things by the worst of means; enslave their country, and betray them under the mask of Religion, which they have publick Pay for, and the charge of. As feeling the Aid in the Mothers milk. Our Statesmen and Bishops being now as well agreed, as in Old *Land's* time, on the same principles, with the same passion to attain their end, they in the first place give orders to the Judges in all their Circuits to quicken the Execution of the Law against Dissenters; a new Declaration is published directly contrary to the former most in words against the Papists, but in the Sense, and in the close, did fully serve against them, and in the Execution it was plain who were meant. A Commission likewise comes down directed to the principal Gentlemen of each countrey, to seize the Estates of both Papists and Phanatiques, mentioned in a List annexed, wherein by great misfortune, or skill, the Names of Papists of best



quality and fortune (and so best known) were mistaken, and the Commission render'd ineffectual as to them.

Besides this, the great Ministers of State did in their common publick assure the partie, that all the places of the Prong, Command, and Trust, should only be given to the old Cavalier; no Man that had served, or been of the contrary Party, should be left in any of them; And a direction is issued to the Great Ministers before mentioned, and Six or Seven of the Bishops to meet at *Lambeth-House*, who were like the Lords of the Articles in *Scotland*, to prepare their compleat Modell for the ensuing Session of Parliament.

And now comes this memorable Session of April 13. 75. then, which never any came with more expectation of the Court, or dread and apprehension of the Peoples, the Officers, Court Lords, and Bishops, were clearly the major Vote in the *Lords House*, and they assured themselves to have the Commons as much at their dispose when they reckoned the number of the Courtiers, Officers, Pensioners increased by the addition of the Church and Cavalier party, besides the Address they made to men of the best quality, there by hopes of Honor, great employment, and such things as would take. In a word, the *French King's* Ministers, who are the great Chipmen of the World, did not our-doe ours at this time, and yet the ever ruling hand of God has blown upon their Politicks and the Nation is escaped this Session, like a Bird out of the snare of the Fowler.

In this Session the Bishops wholly laid aside their Zeal against *Popery*. The Committee of the whole House for Religion, which the Country Lords had caused to be set up again by the example of the former Session, could hardly get, at any time a day appointed for their sitting, and the main thing design'd for a Bill voted in the former Session, viz. the marrying our Prince to none but Protestants, was rejected and carryed in the Negative by the unanimous Votes of the Bishops Bench; yet the Lay Lords, not understanding from how excellent a Principle this proceeded, commonly called them for that reason the *dead Weight*, and they really proved so in the following business, for the third day of this Session this Bill of Tol was brought into the Lords House by the Earl of *Lindsey* L. High Chamberlain, a person of great quality, but in this imposed upon and received its first reading and appointment for the second, without much opposition, the Country Lords being desirous to observe what weight they put upon it, or how they designed to manage it.

At the second reading, the L. Keeper and some others of the Court Lords, recommended the Bill to the House in Ser and Elaborate Speeches, the Keeper calling it *A moderate Supply to the Church and Crown*, and that no honest man could refuse it, and whosoever did, gave great suspicion of Dangerous, and *Anti-Monarchical Principles*, the other Lords declaimed very much upon the Rebellion of the late Times, the great number of *Phanatiques*, the dangerous principles of Rebellion still remaining, carrying the Discourse on as if they meant to trample down the *Alt of Oblivion*, and all those whose securities depended on it; But the Earl of *Shaftsbury* and some other of the Country Lords, earnestly press that the Bill might be laid aside, and that they might not be engaged in the debate of it, or else that that Freedom they should be forced to use in the necessary defence of their Opinion, and the preserving of their Laws, Rights, and Liberties, which this Bill would overthrow, might not be misconstrued. For there are many things that must be spoken upon the debate, both concerning Church and State, that it was well known they had no mind to hear. Notwithstanding, this the great Officers and Bishops called out for the Question of referring the Bill to a Committee; but the Earl of *Shaftsbury*, a Man of great Abilities, and knowledge in Affairs, and one that, in all these variety of changes of this last Age, was never known to be either bought or frightened out of his publick Principles; at large opened the Mischievous, and ill designs, and consequences of the Bill, which as it was brought in, required all Officers of Church and State, and all Members of both Houses of *Parliament*, to take this Oath following.

I A. B. do declare that it is not Lawful upon any pretence whatsoever, to take up Arms against the King, and that I do abhor that Traiseron position of taking Arms by His Authority, against His Person, or against those that are commission'd by Him in pursuance of such Commission; And I do swear that I will not at any time endeavor the Alteration of the Government, either in Church or State, so help me God. The Earl of *Shaftsbury* and other Lords, spoke with such convincing Reason, that all the Lords, who were & liberty from Court-Engagements, resolved to oppose to the utmost, a Bill of so dangerous consequence; and the debate lasted five several days before it was committed to a Committee of the whole House, which hardly ever happened to any Bill before. All this and the following debates, were managed chiefly by the Lords, whose Names you will find to the following Pages. The First whereof, was as followeth.



We whose Names are under Written bring Peers of this Realm, do according to our Rights and the ancient Usage of Parliaments, declare that the Question having been put whether the Bill (Entituled an Act to prevent the danger which may arise from Persons disaffected to the Government) doth so far intrench upon the Priviledges of This House, that it ought therefore to be cast out. It being resolved in the Negative, We do humbly conceive that any Bill which imposeth an Oath upon the Peers with a Penalty, as this doth, that upon the refusal of that Oath, They shall be made incapable of Sitting and Voting in this House, as it is a thing unprecedented in former Times, so is it in Our humble Opinion, the highest Invasion of the Liberties and Priviledges of the Peerage, that possibly may be, and most destructive of the Freedom which they ought to enjoy as Members of Parliament, because the priviledges of Sitting and Voting in Parliament is an Honor they have by Birth, and a Right so inherent in them, and inseparable from them, as that nothing can take it away, but what by the Law of the Land must needs take away their Lives, and courage their Blood, upon which ground we do here enter our Difference from that Vote, and our Protestation against it.

Buckingham	Albany	Howard E. of Brink	Shaftsbury
Ridgwater	Brissol	Mabon	Clarendon
Winchester	Denbigh	Scamford	Grey Roll
Salisbury	Pagitt	Halifax	Say & Seal
Bedford	Holles	De la mer	Wharton
Derby	Peter	Fare	

The next Protestation was against the Vote of committing the Bill in the words following;

The Question being put whether the Bill Entituled An Act to prevent the Dangers, which may arise from Persons disaffected to the Government, should be committed, It being carried in the Affirmative, and We after several days debate, being in no measure Satisfied, but still apprehending that this Bill doth not only subvert the Priviledges and birth-right of the Peers, by imposing an Oath upon them with the penalty of losing their Places in Parliament, but also, as We humbly conceive, strike at the very root of Government; it being necessary to all Government to have freedom of Speech and Debates in those, who have power to alter, and make Laws, and besides, the express words of this Bill, obliging every Man to abjure all Endeavors to

the Government in the Church; without regard to any thing that rules of  
 Justice in the Government, or Christian compassion to Protestant Dissenters,  
 the necessity of Affairs at any time, shall or may require. Upon these Con-  
 siderations, We humbly conceive it to be of dangerous consequence to have any  
 of this Nature, so much as Committed, and do enter our Dissents from  
 the Vote and Protestation against it,

Buckingham	Bristol	Shaftsbury
Winton	Howard of Berks	Wharton
Salisbury	Clarendon	Mohun
Denbigh	Stamford	De la mer.

Which Protestation was no sooner entred and subscribed the next day, but  
 great Officers and Bishops raised a storm against the Lords that had Sub-  
 scribed it; endeavoring not only some severe proceedings against their persons,  
 if they had found the House would have born it, but also to have taken away  
 every liberty of entering Protestations with Reasons; but that was defended  
 with so great Ability, Learning, and Reason by the L. Hales, that they quit-  
 ted the Attempt, and the Debate run for some hours either wholly to raze  
 the Protestation out of the Books, or at least some part of it, the Expression  
 of Christian compassion to Protestant Dissenters being that which gave them  
 most offence; but both these ways were so disagreeable to the honor and pri-  
 viledg of the House, and the latter to common Sense and Right, that they  
 failed of carrying it, and contented themselves with having voted That  
 the Reasons given in the said Protestation, did reflect upon the Honor of the  
 House, and were of dangerous consequence. And I cannot here forbear to  
 mention the Worth and Honor, of that Noble Lord Hales, suitable to all his  
 former life, that whilest the Debate was at the height, and the Protesting  
 Lords in danger of the Tower; he begged the House to give him leave to  
 put his Name to that Protest, and take his Fortune with those Lords, because  
 his sickness had forced him out of the House the day before, so that not being  
 the Question, he could not by the rules of the House, Sign it. This Vote  
 and those twelve Lords began the next day this following Protestation sign-  
 ed by them, to wit, that it is the undoubted priviledg of each Peer in Parliament when a  
 Question is put contrary to his Vote and judgment, to enter his protestation a-  
 gainst it, and that in pursuance thereof, the Bill Entituled An Act to prevent  
 the

the dangers which may arise from persons disaffected to the Government, being conceived by some Lords to be of so dangerous a Nature, as that it was not fit to receive the countenance of a Commitment, those Lords did protest against the Commitment of the said Bill, and the House having taken exceptions at some expressions in their Protestation, those Lords who were present at the Debate, did all of them severally and voluntarily declare, That they had not intention to reflect upon any Member, much less upon the whole House, which, as is humbly conceived, was more then in strictness did consist with the absolute freedom of Protesting, which is inseparable from every Member of this House, and was done by them merely out of their great Respect to the House, and their earnest desire to give all satisfaction concerning themselves, and the clearness of their intentions: Yet the House not satisfied with this Declaration but proceeding to a Vote, that the Reasons given in the said Protestation do reflect upon the honor of the House, and are of dangerous consequence; which is in our humble Opinion, a great discountenancing of the very liberty of Protesting. We whose Names are under Written, concerning ourselves, and the whole House of Peers, extremely concerned that this great Wound should be given (as we humbly apprehend) to so essential a privilege of the whole Peerage of this Realm, as their liberty of Protesting, do we (according to our unquestionable Right) make use of the same liberty to dissent from, and Protestation against the said Vote,

Bucks	Denbigh	Hallifax	Holles
Winton	Berks	Audley	De la mer
Bedford	Clarendon	Fitzwater	Grey Roll.
Dorset	Aylisbury	Eure	
Salisbury	Shaftsbury	Wharton	
Bridgwater	Say & Seal	Mohun	

After this Bill being committed to a Committee of the whole House, the first thing insisted upon by the Lords against the Bill; was, that there was to be passed some previous Votes to secure the Rights of Peerage, and the ledg of Parliament before they entred upon the debate, or amendments of a Bill as this; and at last two previous Votes were obtained, which I have here set down, because the next Protestation hath them both in terms.

Whereas upon the debate on the Bill entituled *An Act to prevent the Dangers* that may arise from Persons disaffected to the Government, It was ordered by the House of Peers the 30th. of April last, that no Oath should be imposed by the said Bill, or otherwise, upon the Peers with a penalty in case of Refusal, to lose their Places, or Votes in Parliament, or liberty to debate therein; and whereas upon debate of the same, the Bill was ordered the Third of this instant, that there shall be nothing in this Bill, which shall extend to deprive either of the Houses of Parliament, or any of their Members, of their just and ancient Freedom, and priviledg of debating any Matter or business which shall be propounded, or debated in either of the said Houses, or at any Conference or Committee, of both, or either of the said Houses of Parliament, or touching the Repeal, or Alteration of any Old, or preparing any new Laws, or the redressing any publick Grievance; but that the said Members of either of the said Houses, and the assistance of the House of Peers, and every of them, shall have the same freedom of Speech, and all other Priviledges whatsoever, as they had before the making of this Act.

Both which Orders were passed as; Previous directions unto the Committee of the whole House, to whom the said Bill was committed, to the end that nothing should remain in the said Bill, which might any ways tend towards the depriving of either of the Houses of Parliament, or any of their Members, of their ancient freedom of Debates, or Votes, or other their priviledges whatsoever. Yet the House being pleased, upon the report from the Committee, to pass a Vote, That all Persons who have, or shall have Right to sit and Vote in either House of Parliament, should be added to the first inserted Clause in the said Bill, whereby an Oath is to be imposed upon them as Members of either House, which Vote *We whose Names under Written being Peers of the Realm, do humbly conceive, is not agreeable to the said two previous Orders, and it having been humbly offered, and insisted upon by divers of us, that the Proviso in the late Act Entituled An Act for preventing Dangers, that may happen from Popish Recusants; might be added to the Bill depending, Whereby the Peerage of every Peer of this Realm, and all their priviledges, might be preserved in this Bill, as fully as in the said late Act: Yet the House not pleasing to admit of the said Proviso, but proceeding to the passing of the said Vote, We do humbly upon the Grounds aforesaid, and according unto our undoubted Rights, enter this our Dissent*

D

Bucks

<i>Bucks</i>	<i>Berks</i>	<i>Denbigh</i>	<i>Eure</i>
<i>Bedford</i>	<i>Bridgwater</i>	<i>Dorset</i>	<i>De la mer</i>
<i>Winton</i>	<i>Stamford</i>	<i>Shafisbury</i>	<i>Pagitt</i>
<i>Salisbury</i>	<i>Clarendon</i>	<i>Wharton</i>	<i>Mobin,</i>

This was their last Protestation; for after this they alter'd their Method and reported not the Votes of the Committee, and parts of the Bill to the House, as they pass them, but took the same Order as is observed in other Bills, not to report unto the House, untill they had gone through with the Bill, and so report all the Amendments together. This they thought a way of more Dispatch and which did prevent all Protestations, until it came to the House; for the Votes of a Committee, though of the whole House, are not thought of that weight, as that there should be allowed the entering a Dissent of them, or Protestation against them.

The Bill being read over at the Committee, the Lord Keeper objected against the form of it, and desired that he might put it in another Method, which was easily allowed him, that being not the Dispute. But it was observable the Hand of God was upon them in this whole Affair; their Chariot wheels were taken off, they drew heavily: A bill so long designed, prepared, and of that Moment to all their Affairs, had hardly a sensible Composure.

The first part of the Bill that was fallen upon, was, whether there should be an Oath at all in the Bill, and this was the only part the Court-Party defended with Reason: for the whole bill being to enjoin an Oath, the House might reject it, but the Committee was not to destroy it. Yet the Lord Halifax did with that quickness, Learning, and Elegance, which are inseparable from all his Discourses, make appear, that as there really was no Security to any State by Oaths, so also, no private Person, much less States-Man, would ever order his Affairs as relying on it, no Man would ever sleep with open Doors, or unlockt up Treasure, or Plate, should at the Twon be sworn not to Rob; so that the use of multiplying Oaths had been most commonly to Exclude, or disturb some honest Conscientious Men, who would never have prejudiced the Government. It was also in-  
fined



moved on by that Lord and others, that the Oath imposed by the Bill, con-  
 tained Three Clauses, the two former Assertory, and the last Promissory,  
 and that it was worthy the Consideration of the Bishops, Whether *Assertory*  
*Oaths*, which were properly appointed to give testimony of a matter  
 of Fact, whereof a Man is capable to be fully assured by the evidence of  
 his Senses, be lawfully to be made use of to Confirm, or Invalidate Do-  
 ctrinal Propositions, and whether that Legislative power, which imposes  
 such an Oath, doth not necessarily assume to it self an Infallibility? And,  
 the *Promissory Oaths*, It was desired that those Learned Prelates would  
 consider the Opinion of *Grotius de jure Belli & pacis, lib. 2. cap. XIII.* who  
 seems to make it plain that those kind of Oaths are forbidden by our *Sa-*  
*lor Christ, Mat. 5. 34, 37.* and whether it would not become the Fathers  
 of the Church, when they have well weighed that and other places of the  
 Testament, to be more tender in multiplying Oaths, then hitherto  
 great Men of the Church have been? but the Bishops carried the Point,  
 and an Oath was ordered by the major Vote.

The next thing in Consideration, was about the Persons that should be  
 sworn to take this Oath, and those were to be, *all such as enjoyed any*  
*public Office or Employment, Ecclesiastical, Civil, or Military;* and no  
 other went the Debate for some hours, until at last the Lord Keeper rises  
 and with an eloquent Oration, desires to add *Privy Counsellors, Justices*  
*of the Peace, and Members of both Houses;* The two former particularly  
 mentioned only to usher in the latter; which was so directly against the two  
 previous Votes, the first of which was enrolled amongst the standing Orders  
 of the House, that it wanted a Man of no less assurance in his Eloquence to  
 speak it, and he was given hard, when he was forced to tell the House,  
 they were *Masters of their own Orders,* and Interpretation of them.

The next consideration at the Committee was *the Oath it self,* and it was de-  
 sired by the Country Lords, that it might be clearly known, whether it were  
 for an Oath, or some of it for a Declaration; and some an Oath?  
 the latter, then it was desired it might be distinctly parted, and that the  
 assertory part should be subscribed by it self, and not sworn: There was  
 small pains taken by the Lord Keeper and the Bishops, to prove that it  
 brought in: the two first parts were only a Declaration, and not an Oath;  
 though it was replied that to declare upon ones Oath, or to abhor up-  
 on ones Oath, is the same thing with *I do Swear*, yet there was some diffi-

culty to obtain the dividing of them, and that the Declaratory part should be only Subscribed, and the rest Sworn to.

The Persons being determin'd, and this division agreed to, the next thing was the parts of the *Declaration*, wherein the first was; *J. A. B. do declare that it is not lawful upon any pretence whatsoever, to take up Armes against the King.* This was lyable to great Objections; for it was said it might introduce a great change of the Government, to oblige all the Men in great Trust in *England*, to declare that exact Boundary, and Extent of the Oath of *Allegiance*, and inforce some things to be Stated, that are much better involv'd in Generals, and peradventure are not capable of another way of expression, without great wrong on the one side, or the other. There is a Law of 25. *Edw. 3.* that Armes shall not be taken up against the King, and that it is Treason to do so, and it is a very just and reasonable Law, and it is an idle question at best, to ask whether Armes in any case can be taken up against a lawful Prince, because it necessarily brings in the debate of every Man's mind, how there can be a distinction then left between absolute and bounded Monarchys, if *Monarchs* have only the fear of God, and the fear of humane Resistance to restrain them. And it was farther urged, that if the chance of humane Affairs in future Ages, should give the French King a just Title and Investiture in the Crown of *England*, and he should avowedly own a design by force, to change the Religion, and make the Government here as Absolute as in *France*, by the extirpation of the Nobility, Gentry, and principal Citizens of the *Protestant* Party, whether in such, or like Cases, this *Declaration* will be a Service to the Government as it is now establish'd: Nay, and it was farther said, that they overthrow the Government that suppose to place any part of it above the fear of God. For in our *English* Government, and all bounded Monarchys, where the Prince is not absolute, there every individual Subject is under the fear of the King, and His People, either for breaking the Peace, or disturbing the common Interest that every Man hath in it, or if he invades the Person or Right of his Prince, he invades his whole People, who have bound themselves to him, and derive from Him, all their Liberty, Property, and Safety: also the Prince himself, is under the fear of breaking that Golden Chain and Connixture between Him and his People, by making his interest contrary to that they justly and rightly claim: And therefore neither our Ancestors, nor any other Country free like ours, whilst they preserve their Liberties, did ever suffer any mercenary, or standing Guards to be



took care that his safety should be in Them, as theirs was in him. Though these were the Objections to this Head, yet they were but lightly touch'd, and not fully insisted upon, until the debate of the second Head, where the Scope of the Design was opened clearer, and more distinct to every Man's capacity.

The second was, *And that I do abhor that Trayterous Position of taking Arms by His Authority against His Person.* To this was objected, That if it be meant an Explanation of the Oath of Allegiance to leave men without excuse to oppose where the individual person of the King is, then it was to be considered, that the position as it is here set down is universal, and yet in most cases the position is not to be abhorred by honest or wise men: For there is but one case, & that never like to happen again, where this position is in danger to be Trayterous, which was the Case of the *Long Parliament*, made personal by the King's own Act; by which the Government was perfectly altered, & made inconsistent with its self; but it is to be supposed the Crown hath sufficient warning, and full power to prevent the falling again into that danger. In the other cases are many, & such as may every day occur, wherein this position is so far from Trayterous, that it would prove both necessary and our duty. A famous instance of *Hen. 6.* who being a soft and weak Prince, when taken Prisoner by his Cousin *Edward 4.* that pretended to the Crown, and the Earl of *Warwick* was carryed in their Armies, gave what Orders and Commissions they pleased, and yet all those that were Loyal to him adhered to his Wife and Son, fought in a pitched battel against him in person, and retook him. This was directly taking up Arms by his Authority against his person, against those that were Commission'd by Him, and yet to this day no man hath ever blam'd them, or thought but that, if they had done other, they had betrayed their Prince. The great Case of *Charles the Sixth of France*, being of a weak and crazie Brain, yet govern'd by himself, or rather by his Wife, a Woman of passionate, and heady humour, that hated her the *Dolphin*, a vigorous and brave Prince, and passionately loved her daughter, so that she easily (being pressed by the Victory of *Henry the 5th. of England*) comply'd to settle the Crown of *France* upon Him, to marry his Daughter to Him, and own his Right, contrary to the *Salique Law*. This was directly opposed with Arms and Force by the *Dolphin*, and all the *French Men*, even in his Father's life time. A third instance is that of *King James* of blessed Memory, who when he was a Child, was seized, taken Prisoner by those, who were justly thought no Friends to His

Crown, or Safety, and if the case should be put, that a future *King of England* of the same temper with *Hen. 6.* or *Charl. 6. of France*, should be taken Prisoner by *Spaniard, Dutch, or French*, whose overgrowing power should give them thoughts of vast Empire, and should, with the Person and Commission of the King, invade *England* for a Conquest, were it not suitable to our Loyalty to joyne with the Sun of that King, for the defence of his Fathers Crown and Dignity, even against his Person and Commission? In all these and the like cases it was not justified, but that the strict Letter of the Law might be otherwise construed, and when wisely considered, fit it should be so, yet that it was not safe either for the Kingdome, or person of the King and his Crown, that it should be in expresse words sworn against, for if we shall forswear all distinctions, which ill Men have made ill use of, either in *Rebellion* or *Heresy*, we must extend the Oath to all particulars of Divinity, and Politiques, To this aged Bishop of *Winchester* reply'd, That to take up *Armes* in such cases, was against, but for the person of the King; But his Lordship was told that he might then as well, say much better, have left it upon the Old Oath of *Allegiance*, then made such a wide gapp in his new Declaration.

The third and last part of the Declaration was or against those that are Commissioned by him. Here the mask was plainly pluckt off and *Arbitrary Government* appear'd barefaced, and a standing Army to be established by Act of Parliament, for it was said by several of the Lords, That if whatever is by the King's Commission, be not opposit by the King's Authority, then a standing Army is Law when ever the King pleases; and yet the King's Commission was never thought sufficient to Protect, or justify any man, where it is against his Authority, which is the Law; this allowed alters the whole Law of *England*, in the most essential and Fundamental parts of it, and makes the whole Law of Property to become *Arbitrary*, and without effect, when ever the King pleases.

For instance, if in Suit with a great Favourite, a man recovers House and Lands, and by course of Law be put into Possession by the Sheriff, and afterwards a Warrant is obtain'd by the interest of the person, to command the Souldiers of the standing Army to take the Possession and deliver it back, in such a case, the man in Possession may justify to defend himself, and killing those who shall violently endeavour to enter his house; the party whose house is invaded takes up Armes by the King's Authority against those, who are Commissioned by him. And it is the same case, if the Souldiers had been Commissioned to defend the House against the Sheriff, when he first endeavoured to take the possession.

session according to Law, neither could any Order, or Commission of  
 King's, put a stop to the Sheriff, if he had done his duty in raising the  
 force of that County to put the Law in execution; neither can the  
 Count, from whom that Order proceeds, (if they observe their oaths and  
 lay) put any stop to the execution of the Law in such a case, by any com-  
 mission or commission from the King whatsoever; Nay, all the Guards and  
 leading forces in *England*, cannot be secured by any Commission from be-  
 coming a direct Riot, and unlawful Assembly, unless in time of open War and  
 Rebellion: And it is not out of the way to suppose, that if any King here-  
 after shall contrary to the *petition of Right*, demand, and levie Money by  
 Writ, Seal, or otherwise, and cause Soldiers to enter, and distrain for such  
 illegal Taxes, that in such a case any Man may by Law defend his house  
 against them, and yet this is of the same nature with the former, and a-  
 gainst the words of the Declaration. These instances may seem somewhat  
 harsh, and not with the usual reverence towards the Crown, but they al-  
 leged, they were to be excused, when all was concerned, And without  
 making thus plain, it is refused to be understood, and, however happy we  
 are now, either in the present Prince, or those we have in prospect, yet the  
 positions are not extravagant, when we consider, Kings are but Men, and  
 compassed with more temptations then others; And, as the Earl of *Salis-*  
*bury*, who stood like a Rock of Nobility, and *English* Principles, excel-  
 lently replied to the Lord Keeper, who was pleased to term them *remote*  
*instances*, that they would not hereafter prove so, when this Declaration  
 had made the practise of them Justifiable.

The Arguments enforced the Lords for the Bill to a change of this  
 part of the Declaration, so that they agreed the second and third parts of  
 should run thus; And I do abhor that Trayterous possession of taking Arms  
 against by His Authority, against his Person, or against those that are  
 commissioned by Him according to Law, in time of Rebellion, or War, at-  
 tending in pursuance of such Commission. Which mends the matter very little;  
 if they mean the King's Authority, and His lawful Commission, to be  
 in such things, and such as are capable of Opposition, then it is as dangerous  
 to the Liberties of the Nation, as when it run in the former words,  
 and we only cheated by new Phrasing of it: But if they understand them  
 to be one and the same thing, as really and truly they are, then we are  
 bound to abhor the Treason of possession of taking Armes by the King's  
 Authority against the King's Authority, because it is Non-sense, and

(20)  
not practicable; and so they had done little but confess, that all the Clergy and many other Persons, have been forced by former Acts of this present Parliament, to make this Declaration in other words, that now are found so far from being Justifiable, that they are directly contrary to *Magna Charta* our Properties, and the Establish'd Law and Government of the Nation.

N.B.  
The next thing in course was, the Oath it self, against which the Objection lay so plain, and so strong at the first entrance, viz. That *there was no change taken of the Doctrine, but only the Discipline of the Church.* The Papists need not scruple the taking this Oath, for Episcopacy remains in its greatest Lustre, though the Popish Religion was introduced, but the King's supremacy is justled aside by this Oath, and makes better room for an Ecclesiastical one, in so much with this, and much more, they were inforced to change their Oath, and the next day bring it in as followeth: *I do swear that I will endeavor to alter the Protestant Religion or the Government either of Church or State.* By this they thought they had saved all, and now began to call their Oath *A Security for the Protestant Religion, and the only good design to prevent Popery*, if we should have a Popish Prince. But the Countrey Lords wondred at their confidence in this, since they had never thought of it before, and had been but the last preceding day of the Debate by *purs Shaws* compell'd to this Addition; for it was not unknown to them, that some of the Bishops themselves had told some of the *Roman Catholick Lords* of the House, that care had been taken that it might be such an Oath, as might not bear upon them. But let it be whatever they would have it, yet the Countrey Lords thought the addition was unreasonable, and of as dangerous consequence as the rest of the Oath: and it was not to be wondred at, if the addition of the best things, wanting the Authority of an expresse divine Institution, should make an Oath *not to endeavor to alter*, just so much worse by the addition. For as the Earl of *Shaftsbury* very well urg'd, that it is a far different thing to believe, or to be fully persuaded of the truth of the Doctrine of the Church; and to swear *never to endeavor to alter*; which last, must be utterly unlawful, unless you place an *Infallibility* either in the Church, or Your Self, you being otherwise obliged to alter, when ever a clearer, or better light comes to you; and he desir'd leave to ask, where are the *Boundaries*, or where shall we find, how much is meant by the *Protestant Religion*. The Lord Keeper thinking he had now got an advantage, with his usual Eloquence, desires it might not be told in *Gath*, nor published in the Streets of *Askelon*, that a Lord of so great Parts, and Eminence, and was

himself for the Church of England, should not know what is meant by the *Protestant Religion*. This was seconded with great pleasantness by some of the Lords the Bishops, but the Bishop of *Winchester*, and some others of them were pleased to condescend to instruct that Lord, that the *Protestant Religion* was comprehended in 39 *Articles*, the *Liturgia*, the *Homilies*, the *Homilies*, and the *Cantons*. To this the Earl of *Shafisbury* replied, that he begg'd so much Charity of them to believe, that he knew the *Protestant Religion* so well, and was so confirmed in it, that he hoped he should burn for the witness of it, if Providence should call him to it: that he might perhaps think some things *not necessary*, that they accounted *heretical*, nay he might think some things *not true*, or agreeable to the Scripture, that they might call *Doctrines of the Church*: Besides when he was to swear *never to endeavor to alter*, it was certainly necessary to know *for the just extent of this Oath was* 3 but since they had told him that the *Protestant Religion* was in those 5 *tracts*, he had still to ask, whether they meant those whole *Tracts* were the *Protestant Religion*, or only that the *Protestant Religion* was contained in all those, but that every part of it was not the *Protestant Religion*. If they meant the former of these, then he was extremely in the dark to find the Doctrine of *Predestination* in the 18. and 17. *Art.* to be owned by so few great Doctors of the Church, and to find the 19. *Art.* to define the Church directly as the *Is-land* do: Besides the 20. *Art.* stating the Authority of the Church very dark, and either contradicts it self, or says nothing, or what is contrary to the known Laws of the Land; besides several other things in the 39 *Articles*, have been Preached, and Writ against by Men of great Power, and Preferment in the Church. He humbly conceived the Oath was not so sacred, being made by Men the other day, & thought he more differing from the dissenting *Protestants*, and less easy to be comply'd with, upon the advantage of a pretense well known unto us all, making *alterations* as might the better *unite* us; in stead whereof, there scarce one alteration, but *widens* the breach, and no *ordination* allow'd it here, (as it now stands last reformed in the *Act of Uniformity*) but that is *Episcopal*; in so much that a *Popish Priest* is capable, when consented, of any Church preferment without *Reordination*, but no *Protestant Minister* not *Episcopally* ordain'd, but is required to be reordain'd as much as in us lies *unchurching* all the *foreign Protestants*, that have not Bishops, though the contrary was both allow'd, and practis'd from the beginning of the Reformation till the time of that *Act*, and several Bishops made of

H. Flexman

such,



such, as were never ordain'd Priests by Bishops. Moreover the Undesirableness of it was so much against the Interest of the Crown and Church of England (casting off the dependency of the whole Protestant party abroad) that it would have been bought by the Pope and French King at a vast sum of Money; and it is difficult to conceive so great an advantage fell to them meerly by chance, and without their help; so that he thought to endeavour to alter, and restore the Liturgy to what it was in *Queen Elizabeth's* days, might consist with his being a very good Protestant.

As to the *Catechisme*, he really thought it might be mended, and durst declare to them, it was not well that there was not a better made.

For the *Homilies* he thought there might be a better Book made, and the 3. *Hom.* of *Repairing and keeping clean of Churches*, might be mended.

What is yet stranger then all this, The *Canons* of our Church are directly the old *Papish Canons*, which are still in force, and no other which will appear, if you turn to the *Stat. 25. Hen. 8. cap. 19.* confirmed and received by *1. Eliz.* where all those *Canons* are established until an alteration should be made by the King in pursuance of the Act; which thing was attempted by *Edward the 6th.* but not perfected, and let alone ever since, for what reasons the Lords the Bishops can best tell; and it was very hard to be obliged by Oath not to endeavour to alter either the English Common-Prayer Book, or the *Canons* of the Mass. But if they meant the latter, That the Protestant Religion is maintain'd in all those, but that every part of those is not the Protestant Religion, then he apprehended it might be in the Bishops Power to declare what is the Protestant Religion or not, or else they must leave every Man to judge for himself, what parts of those Books are or are not, and then their Oath had been much better let alone. Much of this was said by that Lord, and others, and the great Officers, and Bishops were so hard put to it, that they seem'd willing, and convinc'd to do what was of an Expedient. The Lord *Wharton* an old and expert Parliament Man, of eminent Piety and Abilities, beside a great Friend to the Protestant Religion, and Interest of England, offer'd as a cure to the whole Oath, and what might make it pass in all the 3. parts of it, without any further debate, the addition of these words at the latter end of the Oath, *That*

*As the same is or shall be establish'd by All of Parliament*; but this was not endured at all, when the Lord Grey of Ralsban, a worthy and English Lord, offered another Expedient; which was the addition of words, *by force or fraud*, to the beginning of the Oath, and then it would run thus, *I do swear not to endeavour by force or fraud to alter*; this was also a cure that would have passed the whole Oath, and seem'd as if it would have carried the whole House. The Duke of York and Bishop of Rochester both seconding it; but the Lord Treasurer, who had privately before consented to it, speaking against it, gave the word and sign to that party, and it being put to the question; the major Vote answered all Arguments, and the L. Grey's Proposition was laid aside.

Having thus carried the question, relying upon their strength of Votes, taking advantage that those expedients that had been offered, extended to the whole Oath, though but one of the 3 Clauses in the Oath had been debated, the other two not mentioned at all, they attempted roughly at nine of the Clock at night, to have the whole Oath put to a question, and though it was resolutely opposed by the Lord Mordaunt, a Lord of great courage, and resolution in the Publick Interest, and one whose own personal merits, as well as his Fathers, gave him a Title to the best favours of the Court, yet they were not deterred but by as great a disorder as ever was seen in that House, proceeding from the rage, those unreasonable proceedings had caused in the Country Lords, they standing up in a clump together, and crying out with so loud a continued Voice, *Adjourn*, that when silence was obtain'd, Fear did what Reason could not do, cause the question to be put only upon the first Clause concerning *Protestant Religion*, which the Bishops desired might be added, *as it is now established*, and one of the eminentest of those that were for the Bill, added the words *by Law*; so that, as it was passed, it ran, *J. A. B. do swear that I will not endeavour to alter the Protestant Religion now by Law established in the Church of England*. And here observe the words *by Law* do directly take in the *Canons*, though the Bishops had never mentioned them. And now comes the consideration of the latter part of the Oath which comprehends these 2 Clauses, viz. *Nor the Government in Church or State*, wherein the Church came first to be considered. And it was objected by the Lords against the Bill, that it was



not agreeable to the King's Crown and Dignity; to have His Subjects sworn to the Government of the Church equally as to Himself: That for the Kings of England to swear to maintain the Church, was a different thing from enjoyning all His Officers, and both His Houses of Parliament to swear to them. It would be well understood, before the Bill passed, what the Government of the Church (we are to swear to) is, and what the Boundaries of it, whether it derives no Power, nor Authority, nor the exercise of any Power, Authority, or Jurisdiction, but from the King as head of the Church, and from God through him, as all his other Officers do?

For no Church or Religion can justify it self to the Government, but the State Religion, that owns an entire dependency on, and is but a branch of it; or the Independent Congregations; whilst they claim no other power, but the exclusion of their own members from their particular Communion, and endeavor not to set up a Kingdom of Christ to their own use in this World, whilst our Saviour has told us, that His Kingdom is not of it; for otherwise there would be *Imperium In imperio*, and two distinct Supream Powers inconsistent with each other, in the same place, and over the same persons. The Bishops alledged that Priesthood and the Power thereof, and the Authorities belonging thereunto were derived immediately from Christ; but that the license of exercising that Authority and Power in this Country is derived from the Civil Magistrate: To which was replied, that it was a dangerous thing to secure by Oath, and All of Parliament those in the exercise of an Authority and power in the Kingdom, and over His Subjects, which being received from Christ himself, cannot be altered, or limited by the King's Laws; and that this was directly to set the Mitre above the Crown. And it was further offered, that this Oath was the greatest attempt that had been made against the King's Supremacy since the Reformation; for the King or Parliament may alter, diminish, enlarge, or take away any Bishoprick; He may take any part of a Diocess, or a whole Diocess, and put them under Deans, or other Persons: for if this be not lawful, that Episcopacy should be *jure divino*, the maintaining the Government as it is now, is unlawful; since the Deans of Hereford, Salisbury, have very large tracts under their jurisdiction, and several Parsons of Parishes have Episcopal jurisdiction; so that at best this

ment wants alteration; that is to imperfectly settled. The Bishop of Winchester affirmed sin this debate several times, that there was no Christian Church before *Calvin* that had not Bishops; to which he answered that the *Albigenses* a very numerous People, and the visible known Church of true believers, of some Ages, had no Bishops. It is very true, what the Bishop of *Winchester* reply'd, that there had some amongst them, who alone had power to ordain, but it was only to commit that power to the Wisest, and Gravest Men amongst them, and to secure ill, and unfit Men from being admitted to the Ministry; but they exercis'd no jurisdiction over the others. It was said by divers of the Lords, that they thought Episcopacy the best Government for the Church, and most suitable for the Monarchy, but they must say with the Lord of *Southampton* upon the occasion of this Oath in the Parliament of *Oxford*, *I will not be sworn not to take away Episcopacy*, there being nothing, that is not of Divine Precept, but such circumstances may come in humane affairs, as may render it not Eligible by the best of Men. And it was also said, that if Episcopacy may be to be received as by Divine Precept, the King's Supremacy is overthrown; and so is also the opinion of the Parliaments both in the time of *Henry 6.* and *Queen Elizabeth's* time; and the constitution of our Church ought to be altered, as hath been shew'd. But the Church of England hath contradicted that Opinion, when She hath made such express Reservations of ground, and great numbers of Men exempt from Episcopal Jurisdiction. The Lord *Wharton* upon the Bishops claim to a Disfranchisement, asked a very hard question, viz. whether they then did not claim that, a power of Excommunicating their Prince, which they were oblig'd to answer, and being press'd by some other Lords, said they had done it. Upon which the Lord *Hallifax* told them that it might well be; for since the Reformation they had hitherto had a dependence on the Crown to venture on that, or any offence to it: and so the debate pass'd on to the third Clause, which had the same exceptions against it with the two former, of how far, and how unbounded How far any Man might meddle, and how far not, of that extent, that it overthrew all Parliaments, and left nothing but giving Money. For what is the business of Parliaments but the alteration, either by adding, or taking away any part of the Government, either in Church or State? And every alteration of Parliament is an alteration; and what kind of Government

in Church and State must that be, which I must swear upon no alteration of Time, emergencie of Affairs, nor variation of humane Things, never to endeavor to alter? Would it not be requisite that such a Government should be given by God himself, and that withal the Ceremony of Thunder, and Lightning, and visible appearance to the whole People, which God vouchsafed to the Children of Israel at Mount Sinai? And yet you shall no where read that they were sworn to it by any Oathlike this: nay on the Contrary, the Princes and the Rulers, even those recorded for the best of them, did make several variations. The Lord *Stafford*, a Noble Man of great Honour and Candour, but who had been all along for the Bill, yet was so convinced with the debate, that he freely declared, there ought to be an addition to the Oath, for preserving the freedom of debates in Parliament. This was strongly urged by the never to be forgotten Earl of *Bridgewater*, who gave reputation, and strength to this Cause of England; as did also those worthy Earls *Denbigh*, *Clarendon*, and *Aylisbury*, Men of great Worth and Honour. To Salve all that was said by these, and the Other Lords. The Lord Keeper and the Bishops urged, that there was a Proviso, which fully preserved the Priviledges of Parliament, and upon farther enquiry there appeared no such, but only a Previous Vote, as is before mention'd, they allow'd that that Previous vote should be drawn into a Proviso, and added to the Bill, and then in their opinion the Exception to the Oath for this cause was perfectly removed; but on the other side it was offered, that a positive absolute Oath being taken, a Proviso in an Act could not dispence with it without some reference in the Bill of the Oath, unto that Proviso; but this also was utterly denied, till the next day, the debate going on upon other matters, the Lord Treasurer, whose authority easily obtained with the major Vote, assumed what was mentioned in the Debates of the proceeding day, and allow'd a reference to the Proviso, so that it then pass in these words, *I A. B. do swear that I will not endeavor to alter the Protestant Religion now by Law Establish'd in the Church of England, nor the Government of this Kingdom in Church, or State, as it is now by Law established, and I do take this Oath according to the meaning of this Act, and the Proviso contain'd in the same, so help me God.*

There was a passage of the very greatest observation in the whole  
 case, and which with most clearness shewd what the great Men  
 Bishops aimed at; and should in order have come in before,  
 that it deserved so particular a consideration, that I thought best  
 place it here by it self, which was, that upon passing of the  
 Bill for preserving the Rights, and Priviledges of Parliaments made  
 of the Previous Votes, It was excellently observ'd by the Earl  
 of *Bullingbrook*, a Man of great Abilitie, and Learning in the Laws  
 of the Land, and perfectly stedfast in all good *English* Principles,  
 that though that *Proviso* did preserve the freedom of Debates and  
 in Parliament; yet the Oath remain'd notwithstanding that Pro-  
 viso upon all Men, that shall take as a prohibition either by Speech,  
 Writing, or Address, to endeavour any alteration in Religion,  
 Law, or State; nay also upon the *Members* of both Houses o-  
 ver and above as they speak, and vote in open Parliaments or Com-  
 mittees: For this Oath takes away all *private Converse* upon any such  
 in even one with another. This was seconded by the Lord  
 of *Leicester*, whose Name is well known, as also his Worth, Piety,  
 and Learning; I should mention his great Merits too, but I know  
 whether that be lawful, they lying yet unrewarded. The Lord  
 of *Leicester* presently drew up some words for preserving the same  
 Rights, Priviledges, and Freedoms, which Men now enjoy by the  
 Law established, that so by a side Wind we might not be depri-  
 ved of the great Liberty we enjoy as *English Men*, and desired  
 those words might be inserted in that *Proviso* before it pass. This  
 was seconded by many of the formentioned Lords, and prest up-  
 on those terms, that they desired not to countenance, or make  
 the least degree any thing lawful, that was not already so, but  
 that they might not be deprived by this dark way of proceeding of  
 that Liberty was necessary to them as Men, and without which Par-  
 liaments would be rendered useless. Upon this all the great Officers  
 of the Law shewd themselves, nay the D. of *Lauderdale* himself, though un-  
 der the Load of two addresses, opened his mouth, and together  
 with the Lord Keeper, and the Lord Treasurer, told the Com-  
 mittee in plain terms, that they intended, and design'd to pre-  
 vent Caballing, and conspiracies against the Government; that they  
 saw no reason why any of the King's Officers should consult

with Parliament Men about Parliament business, and particularly mention'd those of the Armie, Treasury, and Navy; and when it was Objected to them, that the greatest part of the most knowing Gentry were either Justices of the Peace, or of the Militia, and that this took away all converse, or discourse of any alteration, which was in truth of any business in Parliament, and that the Officers of the Navy, and Treasury might be best able to advise what should be fit in many cases, and that withall none of their Lordships did offer any thing to save the inconvenience of Parliament Men being deprived of discoursing one with another, upon the matters that were before them. Besides it must be again remembred, that nothing was herein desired to be countenanced, or made lawful, but to preserve that that is already Law, and avowedly Justice by it; For without this addition to the Proviso, the Oath renderd Parliaments but a *Snare* not a *Security* to the People. Yet to all this was answered sometimes with passion, and high words, sometimes with Jest, and Railery (the best they had) and at the last the major Vote answered all objections, and laid a *Bill* the addition tendered.

There was another thing before the finishing of the Oath, which I shall here also mention, which was an *additional Oath* tendered by the Marquess of Winchester, who ought to have been mentioned in the first, and chiefest place for his conduct and support in the whole debate, being an expert Parliament Man, and one whose Quality, Parts, and Fortune, and owning of good Principles, concurr to give him one of the greatest places in the esteem of good Men. The additional Oath tenderd, was as followeth, *I do swear that I will never by Threats, Injunctions, Promises, Advantages, or Levitation, by or from any person whatsoever, nor from the hopes, or prospect of any Gift, Place, Office, or Benefit whatsoever, give my Vote other than according to my Opinion and Conscience, as I shall be truly, and ready perswaded upon the debate of any business in Parliament; so help me God.*

This Oath was offer'd upon the occasion of swearing Members of Parliament, and upon this score only, that if any new was thought fit ( which that Noble Lord declared his own sentiment perfectly against ) this certainly was ( all considerations, and circumstances taken in ) most necessary to be a part, the nature of it was not so strange if they considered the Oath, which was not much different from this. To the Lord Keeper seem'd very averse, and declared in a fine Speech, that it was an *Useless Oath*, for all Gifts, and Offices, were likelyest to come from the King, no Member of Parliament in either House could do too much for the King, or be too much of his side, and that might lawfully, and worthily, have in their Prospect, such Offices or Benefits from Him. With this the Lords against the were in no terms satisfied, but plainly spoke out *that had been, might, and were likely to be, in either too much for the King, as they call'd it*, and that never did endeavour to give more power to the King, than Law and constitution of the Government had given; especially if it tended to the Introducing an *Absolute* and *Arbitrary* Government might justly be said to do too much for the King, and to be corrupted in his judgment by the prospect of advantages, and rewards. Though, when it is considered that every Union of the Crown towards *Absolute* power, lessens the love, and affection of his People, making Him less their Interest. A wise Prince will not think it a Service done Him.

and now remains only the last part of the Bill, which is the different according to the qualifications of the Persons. All that are, or shall be *Privy Counsellors, Justices of the Peace, or possessors of any beneficial Office Ecclesiastical, Civil, or Military*, are to take the Oath when summoned, upon pain of 500 l. and being made incapable of bearing Office, the Members of both Houses are not made incapable, but liable to the penalty of 500 l. if they take it not. Upon all which the Considerations of the Debate were. That those Officers and Members



Members of both Houses are of all the Nation, the most dangerous to be sworn into a mistake, or change of the Government, and that, as to the Members of both Houses, the penalty of 500*l.* was directly against the latter of the 2. Previous Vote, and although they had not applied the penalty of Incapacity to the Members of both Houses, because of the first Previous Vote in the Case of the Lords, neither durst they admit of Proposition made by some of themselves, *that those that did come up, and sit as Members, should be lyable to the taking the Oath, or penalty, until they did so*: Yet their Endeavour not to be compassed without invading the latter Previous Vote, and contrary to the Rights and Priviledges of *Parliament* could them to swear, or pay 500*l.* every Parliament, and this was carried through with so strong a Resolution, that having experienced their misfortunes in replies for several hours, none of the party could be provoked to speak one word. Thus besides the former Arguments, it was strongly urged, that the Oath ought to be put upon Officers with a heavier penalty, than the Test was in the Act of the immediate preceding Session against the *Papists*, by which any Man might sit down with loss of his Office, without being in the danger of the penalty of 500*l.* And also that this Act had a direct retrospection (which ought never to be in Penal Laws) for this Act punishes for having an Office without taking this Oath, which was before this Law pass, they may now lawfully enjoy without it. Yet notwithstanding it provides not a power, in many cases for them to part with it, before this Oath overtake them, as the clause, *who ever is in Office the 1. September*, will not reach a Justice of the Peace, who, being once Sworn, is not in his power to be left out of Commission; and so might be in several other cases; as also the Members of the House of Commons were not in their own power to be unchosen; and to the Lords, they were subjected by it to the meanest censure of Mankind, if they could not enjoy their Birthright without playing Tricks suitable to the Humour of every Party, and be enforced to swear to every fancy of the present Majority. Three years ago it was *All Liberty and Indulgence*, and now it is *Strict and Rigid Conformity*, and what it may be in



at time hereafter; without the Spirit of Prophecy might be  
 newly guest by a considering Man. This being answered with  
 grace, the Duke of *Buckingham*, whose Quality, admirable Wit,  
 and unusual pains, that he took all along in the debate against this  
 Bill, makes me mention Him in this last place, as General of the  
 Cause, and coming last out of the Field, made a Speech late at  
 night of Eloquent, and well placed Non-sense, showing how excel-  
 lently well he could do both ways, and hoping that might do, when  
 Reason (which he often before used with the highest advantage of  
 Wit, and Reason) would not; but the Earl of *Winchester* readily  
 comprehending the Dialect, in a short reply, put an end to the De-  
 bate, and the major Vote *ultima ratio Senatus, & Concilium*,  
 decided the Question as the Court, and Bishops would have it.

This was the last *Act* of this *Tragic-Comedy*, which had taken  
 sixteen or seventeen whole days debate, the House sitting many  
 times till eight or nine of the Clock at night, and sometimes till  
 midnight; but the business of *priviledg* between the two Houses  
 was such an interruption, that this Bill was never reported from the  
 Committee to the House.

I have mention'd to You divers Lords, that were Speakers, at it  
 in the Debate, but I have not distributed the Arguments of the  
 Cause to every particular Lord. Now you know the Speakers,  
 whose curiosity may be satisfied, and the Lords I am sure will not  
 be about the division. I must not forget to mention those great  
 Supporters, *Bedford*, *Devonshire*, and *Burlington*, for the Countenance  
 and support they gave to the *English* Interest. The Earl of *Bil-*  
*lingham* was so brave in it, that he joyn'd in three of the Protesters: So  
 did the Earl of *Dorset*, and the Earl of *Stamford*, a Young  
 Man of great hopes, The Lord *Eure*, the Lord *Viscount*  
*Grey* and *Seal*, and the Lord *Pegius* in two, the Lord *Andley* and  
 the Lord *Plumstead* in the 3d. and the Lord *Peter*, a Noble Man  
 of great Estate, and always true to the maintenance of Liberty, and  
 Property, in the first. And I should not have omitted the Earl of  
*Essex*, Lord *Andley*, and the Lord *Peter* amongst the Speakers:  
 I will assure you they did their parts excellently well. The  
 Lord *Viscount Hereford* was a heady Man among the Countrey  
 Lords;

Lords; so also was the Lord *Townsend*, a Man justly of great Esteem, and power in his own Countrey, and amongst all those that well know him. The Earl of *Carnarvon* ought not to be mention'd in the last place, for he came out of the Countrey on purpose to oppose the Bill, stuck very fast to the Countrey party, and spoke many excellent things against it. I dare not mention the *Roman Catholick* Lords, and some others, for fear I hurt them, but thus much I shall say of the *Roman Catholick* Peers, that if they were safe in their Estates, and yet kept out of Office, their Votes in that House would not be the most unsafe to *England* of any sort of Men in it. As for the absent Lords, the Earl of *Essex*, Lord *Sandys*, Lord *Herbert* of *Cherbury*, Lord *North*, and Lord *Crew*, ought to be mentioned with Honour, having taken care their Votes should maintain their own interest, and opinions; but the Earls of *Exeter*, and *Chesterfield*, that gave no proxies this Session, the Lord *Montague* of *Boughton*, that gave his to the Treasurer, and the Lord *Roberts* his to the Earl of *Northampton*, are not easily to be understood. If you ask after the Earl of *Carlisle*, the Lord *Viscount* *Falconbridge*, and the Lord *Berkeley* of *Stony* *Castle*, because you find them not mentioned amongst their Friends, all I have to say, is, That the Earl of *Carlisle* kept out to receive his Pension, the Lord *Berkeley* to dine with the Lord Treasurer, but the Lord *Viscount* *Falconberg*, like the Noble Man in the Gospel, went away sorrowfull, for he had a Great Office at Court, but I despair not of giving you a better account of them next Session, for it is not possible when they consider that *Cromwell* Major General, Son in Law, and Friend, should think to find out Accounts amongst Men that set up on such a bottom.

Thus Sir, You see the Standard of the new *Parliament* is not set up, but must be the work of another Session, though it be agreeable to me, how the King can be enduced to venture His Affairs on such weak Counsels, and of so fatal consequences, for I believe it is the first time in the World, that ever it was thought advisable after fifteen years of the highest Peace, Quiet, and Obedience, to ever war in any Countrey, that there should be a *protest* taken, and a reviving of former miscarriages, especially after so many *promises*, and Declarations, as well as Acts of Oblivion, and so much

merit of the Offending party, in being the Instruments of the King's  
 happy Return, besides the putting so vast a number of the King's  
 subjects in utter despair of having their crimes ever forgotten: and it  
 must be a great Mistake in Counsels, or worse, that there should be so  
 much pains taken by the Court to debase, and bring low the House  
 of Peers, if a *Military Government* be not intended by some. For  
 the Power of *Peers*, and a *standing-Army* are like two Buckers,  
 in proportion that one goes down, the other exactly goes up; and  
 I refer you to the consideration of all the Histories of ours, or any  
 of our neighbor Northern Monarchies, whether standing forces Mi-  
 litary, and Arbitrary government, came not plainly in by the same  
 steps, that the Nobility were lessened; and whether when ever they  
 were in Power, and Greatness, they permitted the least shadow of  
 any of them: Our own Countrey is a clear instance of it; For though  
 the *White-Rose* and the *Red* chang'd fortunes often to the ruine, slaugh-  
 ter and beheading of the great Men of the other side; yet nothing  
 could enforce *them* to *leave* themselves by a standing force: But I  
 cannot believe that the King Himself will ever design any such thing:  
 He is not of a temper Robust, and Laborious enough to deal  
 with such a sort of Men, or reap the advantages, if there be any,  
 in such a Government, and I think, He can hardly have forgot the  
 treatment his Father received from the Officers of his Army, both  
 at *Oxford*, and *Newark*: 'Twas an hard, but almost an even choice  
 betwixt the Parliaments Prisoner, or their Slave: but I am sure the  
 present prosperity of His Majesties could have brought him to no hap-  
 pier condition, than our King, his Son hath before him whenever he  
 pleases. However, This may be said for the honour of this Session,  
 that there is no Prince in Christendome hath at a greater expence of  
 Money, maintained for two Months space, a Nobles, or more use-  
 ful dispute of the Politiques, Mystery, and secrets of Government,  
 than in Church and State, than this hath been: Of which noble de-  
 bate no part is owing to any of the Countrey Lords for they have  
 all of them begg'd, at the first entrance into the Debate, that they  
 might not be engaged in such Disputes, as would unavoidably pro-  
 duce divers things to be said, which they were willing to let alone:  
 but I must bear them witness, and so will you, having read this,  
 that they did their part in it, when it came to it, and spoke plain  
 the old English Lords.

I shall conclude with that, upon the whole matter, is most worthy your consideration, That the design is to declare us first into another Government more Absolute, and Arbitrary, than the Oath of Allegiance, or old Law knew, and then make us swear unto it, as it is so established: And lest then this the Bishops could not offer in requital to the Crown for parting with its Supremacy, and suffering them to be sworn to equal with it self. Archbishop Laud was the first Founder of this Device: in his Canons of 1640. you shall find an Oath very like this, and a Declaratory Canon preceding, *that Monarchy is of divine Right*, which was also affirmed in this debate by our Reverend Prelates, and is owned in Print by no less Men than A Bishop *Usher*, and B. *Sanderfon*; and I am afraid it is the avow'd opinion of much the greater part of our dignified Clergy: If so, I am sure they are the most dangerous sort of Men alive to our English Government, and it is the first thing ought to be lookt into, and strictly examin'd by our Parliaments, 'tis the *leaven* that corrupts the whole lump; for if that be true, I am sure Monarchy is not to be bound by humane Laws, and the *8 chap. of 1 Samuel*, will prove (as many of our Divines would have it) the great Charter of the Royal Prerogative, and our *Magna Charta*; that says, *Our Kings may not take our Fields, our Vineyards, our Corn, and our Sheep*, is not in force, but void and null, because against divine Institution: and you have the Riddle out, why the Clergy are so ready to take themselves, and impose upon others, such kind of Oaths as these; they have placed themselves, and their possessions upon a better, and a surer bottom (as they think) then *Magna Charta*, and so have no more need of, or concern for it: Nay what is worse; they have truckt away the Rights and Liberties of the People in this, and all other Countries where ever they have had opportunity, that they might be owned by the Prince to be *Jure Divino*, and maintain'd in that Pretension by that absolute power and force, they have contributed so much to put into his hands; and that Priest, and Prince may, like *Cæsar* and *Pollux*, be worshipt together as Divine in the same Temple by Us poor Lay Subjects; and that *sense* and *reason*, *Law*, *Properties*, *Rights*, and *Liberties*, shall be understood as the Oracle of those Deities shall interpret, or give signification to them, and we're be made use of, in the World to oppose the Absolute, and Freewill of either of them.

Sir, I have no more to say; but begg your Pardon for this tedious Trouble, and that you will be very careful to whom you Communicate any of this.

FINIS.

